

अण्डमान तथा
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अण्डमान तथा निकोबार प्रशासन

ANDAMAN AND NICOBAR ADMINISTRATION
निदेशालय नागरिक आपूर्ति एवं उपभोक्ता मामले
Directorate of Civil Supplies & Consumer Affairs

NOTIFICATION

Port Blair, dated the 5th February, 2015

No. 21/2015/F.No. DCS/CS/PDS/76/09-PF/178.— In pursuance of Notification No. 316(E) dated 29/06/1972 issued by Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India under Section 3 of Essential Commodities Act, 1955 (10 of 1955) read with Section 2(d) thereof and Notification No. SO 1685(E) dated 03/07/2014 and in concurrence of the Ministry of Consumer Affairs, Food and Public Distribution of the Ministry of Consumer Affairs, Food and Public Distribution as communicated vide Letter No. SA-13/30/2014-ECR&E dated 29/12/2014, the Lt. Governor (Administrator), Andaman and Nicobar Islands is pleased to make the following order, namely :-

ORDER

1. Short Title Extent and Commencement :-

- (i) This Order may be called the Andaman and Nicobar Islands Potato and Onion Dealers and Storage Licensing Control Order, 2015.
- (ii) It extends to the whole of the Union Territory of Andaman and Nicobar Islands.
- (iii) It shall come into force immediately.

2. Definitions :- In this Order, unless the context otherwise requires;

- a) "Act" means Essential Commodities Act, 1955 (10 of 1955)
- b) "Dealer" means a person/firm engaged in the business of purchase, sale or storage for sale, of any or onion and potato;
- c) "Producer" means a person/firm carrying on the business of production or cultivation or extraction of onion and potato;
- d) "Retailer" means a dealer in onion and potato who is not a wholesaler;
- e) "Wholesaler" means dealer in onion and potato who sells these commodities to other dealers or to bulk consumers;
- f) "Schedule" means a form setforth in this Order;

- g) "Competent Authority" means Secretary (CS & CA) of the UT Administration;
- h) "Licensing Authority" means Director (CS&CA) appointed by the State Government to exercise the powers and perform the duties of the Licensing Authority under this Order; and
- i) "State Government" means the Lieutenant Governor (Administrator) of the Union Territory of Andaman and Nicobar Islands.

3. Licensing of Dealers :- No person/firm shall carry on business as a dealer and retailer in onion and potato except under and in accordance with the terms and conditions of a license issued this behalf by the Licensing Authority, if the stock of the onion and potato in his possession exceed the quantities specified in Schedule.

The Schedule
[See Clause 5]

Commodity	Maximum quantity that may be stored or had in possession by at any point of time	
	Wholesaler (MT)	Retailer (MT)
Onion	40	01
Potato	50	02

4. Prohibition on with holding from sale of Potato of Onion :- No dealer of any category, whether he is a wholesaler or retailer, as the case may be, shall withhold the sale of potato and onion ordinarily kept for sale.

5. Restrictions on Storage of Onion and Potato :- No dealer of any category, whether he is a wholesaler or retailer, as the case may be, shall store or have in his possession at any time potatoes and onions in excess of the quantity specified in the Schedule to this Order except under and in accordance with a permit granted by the Licensing Authority.

6. Issue of License :-

- (i) Every application for the grant or re-issue of a license or renewal thereof shall be made to the Licensing Authority in Form 'A'.
- (ii) Every license issued, re-issued or renewed under this Order shall be in Form 'B'.

7. Period of License and Fee Chargeable :-

(a) Every License granted under this Order shall be valid for a period ending the 31st day or December of the year in which it is issued and may be renewed for a period of 1 year at a time.

(b) The fees specified below shall be chargeable in respect of each license, namely:

For issue or re-issue of a License	Rs. 500/-
For renewal of License	Rs. 100/-
For issue of duplicate License	Rs. 100/-

(c) A separate License shall be obtained by a dealer for each place of business

(d) Dealer whether Wholesaler or Retailer must declare the complete address of the Storage Godown and total number of such godowns utilized or possessed for utilization for the purpose of storage of onion and potato in future.

8. Deposit of Security :- Every dealer shall before his License is issued to him, deposit with the Licensing Authority security deposit of the value of Rs. 500/- for the due performance of the terms and conditions subject to which a License is granted. The security shall be in the form of Post Office Savings Bank Pass Book duly pledged to the Licensing Authority.

9. Power to Refuse License :- The Licensing Authority may, after giving the dealer concerned and opportunity for stating his case and for reasons to be recorded in writing, refuse to grant or renew a License.

10. Contravention of the Conditions of License :- No holder of a license issued under this Order or his agent or servant or any other person acting on the behalf shall contravene any of the conditions of the License, and if any such holder or his agent or servant or any other person acting on his behalf contravene any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his License may be cancelled or suspended by an order in writing of the Licensing Authority:

Provided that no Order shall be made under this Clause unless the Licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

11. Notwithstanding anything contained in Clause 10, where a licensee has been convicted by Court of Law in respect of contravention of any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1995) relating to food stuffs, including onion and potato, the Licensing Authority may by order in writing cancel his License:

Provided that where such conviction is set aside in an appeal or revision, the Licensing Authority may, all application in Form 'A' by the person whose License has been cancelled, re-issue the License to such person.

12. Forfeiture of Security Deposit :-

- (1) Without prejudice to the provisions of clause 10 or Clause 11, if the Licensing Authority is satisfied that the Licensee has contravened any of the conditions of the license and that the forfeiture of the security deposit is called for, it may, after giving the Licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit the whole or any part of the security deposit by him and communicate a copy of the order to the licensee.
- (2) The licensee, shall if the amount of security at any time falls short of the amount specified in Clause 8, forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.
- (3) Upon due compliance with all obligations under license, the amount of security on such part thereof, which is not forfeited as aforesaid shall be returned to the licensee after terminated of the license.

13. Appeal :-

- (1) Any person aggrieved by an order of the Licensing Authority refusing to grant, re-issue or renew a license or canceling or suspending a license or forfeiture of the security deposited by the licensee under the provisions of this order may appeal to the Competent Authority within 30 days from the date of the receipt by him of such orders.
- (2) No order shall be made under this Clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

- (3) Pending the disposal of an appeal, the State Government may direct that the order refusing to renew a license or the order or cancelling or suspending a license shall not be effect until the appeal is disposed of.

14. Returns :-

Every dealer referred to in Clause 5 and every producer who holds stock of onion and potato in excess of the limits specified for a wholesaler in Clause 16, shall furnish a fortnightly return to the Licensing Authority in Form "C" in respect of the stock of onion and potato held by him.

15. Power of Entry, Search Seizure etc. :- (1) The Licensing Authority or any other officer not below the rank of Civil Supplies Inspector in the Directorate of Civil Supplies & Consumer Affairs authorized by him in this behalf may with such assistance, if any, as he thinks fit –

- (a) require the owner, occupier or any other person in charge of any place , premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions any license issued thereunder has been, is being or is about to be committed, to produce any book, account or other documents showing the transaction relating to such contraventions;
 - (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which has been reason to believe that any contravention of the provisions of this Order or of the conditions of any license issued thereunder has been, is being or is about to be committed.
 - (c) take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;
 - (d) search, seizure and remove stocks of onion and potato in contravention of the provision of this Order or of the conditions of the license issued thereafter and thereafter take or authorize the taking of all measures necessary for securing the production of the onion and potato or other conveyance so seized, in a Court of Law and their safe custody pending such production.
- (2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (11 of 1974) relating to searches and seizures shall, so far as may be, apply to searches and seizures under this Clause.

16. Violation : - When a dealer violates or contravenes any provision of this Order or Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 or any direction issued hereunder, shall be liable to be prosecuted under the provision laid down in the Act.

17. Saving :- Nothing in this order shall apply-

- (i) to a corporation or company owned and controlled by the Central Government or State Government, or
- (ii) to any Central level or State level Co-operative Society, engaged in the production, procurement, sales, purchase or distribution of onion and potato.

Lt. General A.K. Singh, PVSM, AVSM, SM, VSM (Retd.)
Lt.Governor (Administrator), A & N Islands.

By order and in the name of the Lt. Governor,
-Sd-

(VIJAY KUMAR BIDHURI), IAS
Secretary - cum- Director
Civil Supplies & Consumer Affairs

Form- 'A'

{See Clause 2 (g)}

**THE ANDAMAN AND NICOBAR ISLANDS POTATO AND ONION DEALERS AND
STORAGE LICENCING CONTROL ORDER, 2014**

Application for grant/re-issue/renewal of Licence for importer/wholesaler/retailer

1. Name of the Applicant/Firm
2. Firm's Name
3. Father's/Husband's/Firm
4. Applicant's business address
5. Quantity of onion and potato likely to be handled during current year :
 1. Onion
 2. Potato
6. Whether the applicant want the Licence as a importer/wholesaler or retailer
7. Particulars of onion and potato thereof

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I have carefully read the conditions of Licence given in Form 'B' appended to the Andaman and Nicobar Islands Onion and Potato Dealers Licencing Order, 2014 and I agree to abide by them.

- (a) * I have not previously applied for such licence
- (b) * I applied for such licence for and was/was not granted a licence dated
- (c) * I hereby apply for renewal of Licence No dated
issued to me on
- (d) * I hereby apply for re-issue of the Licence No.....
datedissued to me but subsequently cancelled on

.....

*strike of the clauses not applicable

Signature of Applicant

Place :

Date :

To

The Licencing Authority
Directorate of Civil Supplies & Consumer Affairs
Andaman and Nicobar Administration
Port Blair.

Form 'B'
{ See Clause 2 (g) }

**THE ANDAMAN AND NICOBAR ISLANDS POTATO AND ONION DEALERS AND STORAGE
LICENCING CONTROL ORDER, 2014**

LICENCE FOR PURPOSE SALES/STORAGE FOR SALE OF POTATO AND ONION

1. Subject to the provisions of the Andaman and Nicobar Islands Potato and Onion Dealers and Storage Licensing Control Order, 2014 and the terms and conditions of this licence is/are hereby authorized to purchase, sell or store for sale the undermentioned onion and potato as an Importer / Wholesaler / Retailer.

2. (a) The Licence shall carry on the aforesaid business at the following place.
(b) Onion and Potato in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godown mentioned below :-

TERMS AND CONDITIONS :-

- (1) If the Licensee intends steering his onion and potato in places other than those specified above, he may do so provided he gives intimation to the Licensing Authority within 48 hours of taking over such place for storage and produce the Licence for making necessary changes therein.
- (2) The Licensee shall, except when specially exempted by the State Government or Licensing Authority in the behalf, maintain a register of daily sales and account of onion and potato mentioned in para 1 showing correctly :-
 - (a) the opening stock of each day
 - (b) the quantities received on each day showing the source and name of vessel from, which received
 - (c) the quantities sold on each day; and
 - (d) the closing stock of the day
- (3) The Licensee shall complete his accounts for each day on the day to which they relate unless prevented by reasonable cause, the burden of providing which shall be upon him.
- (4) The Licensee shall except when specially exempted by the State Government or by any other officer authorized by the State Govt. in this behalf, submit to the Licencing Authority a true return in Form 'C' of the stocks, receipts and deliveries of onion and potato, every fortnight {1st to 15th and 16th to end of the month} so as to reach him within three days from the close of the fortnight.
- (5) The Licensee shall not contravene the provisions of any law relating to onion and potato for the time being in force.
- (6) The Licence shall not —
 - (i) Enter into any transaction involving purchase, sale or storage for sale of onion and potato, in speculative man per prejudiced to the maintenance and easy availability of supplies of onion and potato.
 - (ii) Withhold from sale supplies of onion and potato ordinarily kept for sale.

- (7) (i) The Licensee shall, if he is a importer/wholesaler sale onion and potato only to retailers who are registered with him and in accordance with such direction as the Licensing Authority or any other officer authorized by his/her in behalf, may give from time to time.
- (ii) The License shall, if he is a Retailer sale onion and potato only to retailers who are registered with him and in accordance with such direction as the Licensing Authority or any other officer authorized by his/her in behalf, may give from time to time.
- (8) The Licensee shall except when specially exempted by the State Government or by the Licencing Authority in this behalf issue to every customer a correct receipt or invoice as the case may be giving his own name/Firm address and licence (Number, if any) if the customer the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate copy of the same to be available for inspection on demand by the Licencing Authority or any other authorized by it in that behalf.
- (9) The Licensee shall give all facilities at all reasonable times to the Licencing Authority or any officer authorized by UT Administration for the inspection of his stocks and accounts at any shop, godown or other places used by him for the storage, sale or purchases of onion and potato and for taking of samples of onion and potato for examination.
- (10) This Licence shall be attached to any application for renewal.
- (11) This Licence is valid upto

LICENCING AUTHORITY

Place :

Date :